

R E M A R K S

Claims 1-96 are pending in the present application.
Claims 1, 29, 37-43, 54-96 are independent.

Section 102 Rejections

Claims 1 - 15, 17 - 21, 24 - 47 and 49 - 96 stand rejected as anticipated by U.S. Patent No. 5,970,469 to Scroggie. Applicants respectfully traverse the Examiner's Section 102 rejection.

Independent Claims 1, 37 - 42, 55 - 58, 61 - 64, and 69 - 84

Each of the independent claims 1, 37 - 42, 55 - 58, 61 - 64, and 69 - 84 recite each of the following pair of features (or a substantially analogous pair of features), which are not taught or suggested by Scroggie:

*“receiving, from a customer, an indication of” a
product category or a service category;
and
“selecting, for the customer, one of” the products in
the product category or the services in the service
category*

Applicants sincerely appreciate Examiner's help (and thank Examiner therefor) in noting aspects of the claims that may be helpfully clarified. Specifically, Examiner noted that the claims (before the amendments made herein) do not specify “what person or group is doing the receiving, selecting, providing, arranging, etc.”. The claims have been amended herein to clarify that (i) in the step of “receiving an indication” of a product category or service category, the indication is received “from a customer”, and (ii) in the step of “selecting one of” the products in the product category or services in the service category, the selection is done “for the customer”. These amendments are consistent with one or more embodiments of the present invention.

Applicants further sincerely appreciate Examiner's help (and thank Examiner therefor) in pointing out particular teachings of Scroggie that are relevant to the present application and the opportunity to distinguish the pending claims therefrom.

First, Examiner noted that “Scroggie discloses the customer receiving product categories organized by department and the customer selecting products in different departments...Hence, one aspect of Scroggie's disclosure, we have the manufacturer or store presenting an indication of specific product categories to the consumer. Then, the consumer selects products from the different categories.” (pg. 22 of paper no. 13). The amendments to the claims make clear that, in the claimed embodiments of Applicants' invention, it is not the customer who received the indication of a product category or service category since such an indication is received from the customer. The amendments further make clear that, in the claimed embodiments of the present invention, it is not the customer who selects one of the products in the product category and / or one of the services in the service category, since such selection is done for the customer.

Accordingly, this particular disclosure of Scroggie does not anticipate the pending claims because it discloses the opposite of what is claimed.

Second, Examiner noted that “In another aspect of Scroggie’s disclosure, we have the consumer selecting recipes from different organized recipe sections or meal plan lists. Then, the manufacturer or store selects the specific items to fill out that recipe.” (last paragraph on pg. 22 of paper no. 13). Applicants respectfully point out that each of the independent claims 1, 37 – 42, 55 – 58, 61 – 64, and 69 – 84 recite that “one” of the products from a product category received from a customer or “one” of the services from the service category received from the customer is selected for the customer. In the recipe aspect of Scroggie, a customer selects a recipe and each of the ingredients (not one of the ingredients) is placed on the customer’s shopping list. There is no one product or service selected from the recipe for the customer. It is tenuous to even argue that a plurality of items are selected for the customer from the recipe selected by the customer, since the customer actually selects each of the ingredients when the customer selects the recipe. This is because each of the ingredients from the recipe indicated by the customer are placed on the customer’s shopping list, so the customer is effectively selecting each of the ingredients on the recipe and this selection is not being done for the customer. Even if it were argued that each of the ingredients were selected for the customer, this still does not anticipate the claimed feature of selecting, for the customer, “one” of the products from a product category indicated by the customer or “one” of the services in a service category indicated by the customer. It would not make sense in Scroggie to only select one of the ingredients from a recipe selected by the customer since the whole point is to ease the customer’s shopping experience in Scroggie by putting everything the customer will need to make the dish in the recipe on the customer’s shopping list. Accordingly, Applicants respectfully submit that this second aspect of Scroggie pointed to be Examiner also does not anticipate the pending claims.

Regarding independent claims 37, 40, 41, 42, 56, 58, 62, 64, 81, 82, 83, and 84, Applicants note that each of these claims recites providing a benefit or arranging for a benefit to be provided “if” the product or service selected for the customer “has been purchased.” In Scroggie, an incentive or coupon is provided to a customer based on an indication of interest in a product. There is no teaching or suggestion in Scroggie of providing the coupon or incentive if the customer actually purchases a product, rather than merely expressing interest in purchasing the product.

Independent Claims 43, 54, 59, 60, and 85 – 96

Each of the independent claims 43, 54, 59, 60, and 85 - 96 recite each of the following pair of features (or a substantially analogous pair of features), which are not taught or suggested by Scroggie:

*“receiving, from a customer, an indication of a retailer category, said retailer category including at least two retailers” and
“selecting, for the customer, one of said at least two retailers”*

In contrast, Scroggie teaches that the customer is the one who selects which retailer he will redeem incentives at. “Importantly, the incentives are distributed in such a way that they may be redeemed only at a specific retailer selected by the customer.” (col. 1, lines 41 – 43).

Scroggie does not teach or suggest that a customer provides a category of retailers and one of the retailers is selected for the customer, as is claimed in accordance with one or more embodiments of the present invention.

Independent Claims 65 – 68

Independent claims **65 – 68** are analogous to independent claims **1, 37 – 42, 55 – 58, 61 – 64, and 69 – 84**, but are written from the customer's perspective. Thus, each of claims **65 – 68** recites the following pair of features, which are not taught or suggested by Scroggie:

*“providing, by a customer, an indication of” a
product category and / or a service category; and
“receiving, by the customer, an indication of a
selected one” of a product from the product
category and / or a service from the service
category*

As discussed with respect to claims **1, 37 – 42, 55 – 58, 61 – 64, and 69 – 84**, Scroggie does not teach or suggest that a customer provides an indication of a product category and / or a service category and then receive an indication of a selection of one of the products from the product category and / or one of the services from the service category. For example, in the recipe aspect of Scroggie, the customer (after selecting a recipe) receives a shopping list that includes each of the ingredients of the recipe, not one of the ingredients of the recipe (even if it were argued that anyone other than the customer does the selecting of the ingredients from the shopping list, which is a tenuous argument).

Dependent Claims 2 – 36, and 44 – 53

Dependent claims **2 – 36** are each dependent from independent claim **1** and, accordingly, include each of the features of claim **1**. Dependent claims **44 – 53** are each dependent from independent claim **43** and, accordingly, each include each of the features of claim **43**. Applicants thus respectfully submit that claims **2 – 36** and **44 – 53** are patentable at least for the same reasons as claims **1** and **43**, respectively.

Conclusion

For the foregoing reasons it is submitted that all of the claims are now in condition for allowance and the Examiner's early re-examination and reconsideration are respectfully requested.

Alternatively, if there remains any question regarding the present application or any of the cited references, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is cordially requested to contact Magdalena M. Fincham at telephone number 203-461-7041 or via electronic mail at mfincham@walkerdigital.com.

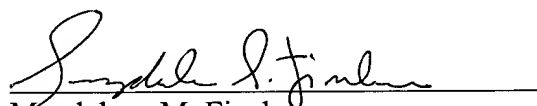
Petition for Extension of Time to Respond

Applicants hereby petition for a **one-month** extension of time with which to respond to the Office Action. Please charge \$55.00 for this petition to our Deposit Account No. 50-0271. Please charge any additional fees that may be required for this Response, or credit any overpayment to Deposit Account No. 50-0271.

If an extension of time is required, or if an additional extension of time is required in addition to that requested in a petition for an extension of time, please grant a petition for that extension of time which is required to make this Response timely, and please charge any fee for such extension to Deposit Account No. 50-0271.

Respectfully submitted,

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Date


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